

CHIROPRACTIC PHYSICIANS' BOARD OF NEVADA



NEWSLETTER

ISSUE NO. 31
NOVEMBER, 2005

NEW BOARD MEMBER

A warm welcome is extended to the Board's new Consumer Member, David Howard, who replaces Bobby Lazenby. David is a retired lobbyist and lives in Reno. He also serves on the Judicial Selection Commission by appointment of the Governor.

RENEWALS

The forms for 2006 license and certificate renewals are enclosed. Please see the enclosed instructions to renew electronically with a credit card.

You are reminded that all licenses and certificates expire on December 31, 2005. There is no grace period. If you fail to renew before January 1, 2006 your license will be automatically suspended and you may not practice until the \$500 reinstatement fee is acknowledged paid. Practicing without a current license is a Class D felony in Nevada. The same applies to CAs and CAs for Massage except that the reinstatement fee is \$35.00.

Every DC must also complete, date, sign and return the 2006 Practice Self-Inspection form. The form has been revised this year to eliminate some redundancy and addresses the new statutory requirement that doctors who are not insured for professional liability must so inform their patients.

SUMMARY OF SUBJECTS OF COMPLAINTS CURRENTLY UNDER INVESTIGATION

The following is a breakdown of the violations currently being investigated by the Board; many complaints combine numerous possible violations:

Questionable billing practices	5
Billing discrepancies	6
Unregistered personnel	3
Records release	1
Providing false information to Board	4
Overutilization	2
Substandard record keeping	3
Supervising DC not on premises when CAs treating patients	1
Paying fees for referrals	1
Failure to report change of address	1
Employing unlicensed person to practice chiropractic	2
Employing unregistered person to practice chiropractic	1
Providing unauthorized chiropractic services as DC applicant	1
Practicing chiropractic without a license	3
Fraudulent or deceptive business practices	3
Waiving deductible/co-pay	1
Referring patients to a health facility, medical laboratory or commercial establishment in which licensee has a financial interest	1

NEW DCs AND CAs

CONGRATULATIONS to the following Doctors of chiropractic who passed the test for licensure on August 10, 2005:

Edwin Harris, Jr., DC
Allan C. Ke, DC
Glaee Lopez, DC
David W. Perkins, DC
Cesar Quintana, DC

Rudy Scott, DC
Lori Sinisgalli, DC
Thomas E. Vondruska, DC
Shaun M. Waldman, DC

and to the following who passed the CA and CA for Massage tests on August 19, 2005:

Chiropractor's Assistants

Jeri Baumwoll
Visouda Bounyavong
Monica Caldera
Annmarie Cascio
Ana DeLaO
Courtney Evans
Christine Ferran
Kimberly Guinn
Jennifer Hale
Leah Hansen
Amber Hurley
Radharani Jimenez
Valerie Knoblock
Mayra Martinez
Nancy Monarrez
Laura Moran

Kristin Mylan
Teri Nelms
Virginia Rowe
Nicole Schaeffer
Diena Sullivan
Eden Thome
Stephanie Thompson
Sabrina Turcios
Valerie Wiesneske
Mayra Wright

Chiropractor's Assistants for Massage

Jennifer Bickford
Jessica Perez
Stephanie Thompson
Patricia Yerena

The next examinations for DC licensure will be administered in Reno on February 8, 2006. The deadline to apply is December 16, 2005.

The next examinations for CA and CA for Massage certification will be administered in Reno and Las Vegas on February 24, 2006. Candidates must be registered with the Board with a complete application on file.

BE ON THE ALERT

Mobile Diagnostic Services There are several diagnostic testing businesses under scrutiny for illegal activities, including payment of inducements or "kickbacks" to generate referrals for electrodiagnostic testing services provided by mobile technicians that travel around to offices of chiropractors and primary care physicians to perform the "tests." A lawsuit filed in Illinois claims the electrodiagnostic tests performed by the defendants lack any diagnostic value and the graphic results generated demonstrate evidence of shoddy technique. Off-site neurologists are employed to "interpret" them and insurers are billed thousands of dollars per patient. Two chiropractors are named in the suit. Another lawsuit has been filed in California by a patient who believes she was referred by her DC for "unnecessary" electrodiagnostic testing and includes possible charges for tests not performed and for excessive testing billed at an exorbitant rate. This suit has the potential to affect many other DCs if it achieves defendant class certification.

Referral Bureaus NAC 634.440 regulates the activities of chiropractic referral bureaus in Nevada. A referral bureau must file a letter of application with the Board for its approval and it must comply with the established regulations. It is recommended that you check with the Board to assure that any referral bureau soliciting you is registered with the Board.

Nationwide notoriety for chiropractors.

Some practicing chiropractic physicians in Nevada have received disciplinary actions from the State Board for what some think are merely the minor violations of record keeping, poor quality x-rays, up-charging insurance billing, failing to register with the Board office personnel who have physical contact with the patients, failing to release medical records when asked, in a timely fashion, whether paid for or not.

Any and all such violations qualify the offending chiropractor for national attention as all disciplinary actions are reportable by the State Board to CIN-BAD, a national repository of disciplinary actions.

The consequences of being on the CIN-BAD DATABANK have the potential for significant repercussions to the practicing chiropractic physician from the insurance community including managed care organizations. Your credentialing may be compromised with removal from preferred provider panels. Your name in this databank may also place your insurability for chiropractic liability insurance at risk.

The solution: Follow the rules AND the standards for chiropractic care. Make certain poor quality x-rays are retaken and not billed for unless they are diagnostic. Films must be diagnostic, minimum views must be present, patient identification photo-imprint information must be complete, position markers must be in place, proper coning down and collimation which limits unnecessary and scatter x-ray radiation must be demonstrated. You must register your staff with the Chiropractic Physicians' Board if they provide ancillary support services to your patients. When using "independent/non-employee consultants" make certain those fees (for massage, acupuncture, naturopathic formulae, etc) are not billed by you.

If staff personnel are truly "employees", register them with the Board. Once registered with the Board as Chiropractor's Assistants or Chiropractor's Assistants for Massage, then billing for their adjunctive (to chiropractic) services, is appropriate. Do NOT perform or bill for services of acupuncture or administration of homeopathic formulae as they ARE NOT legally part of or within your scope of practice.

When any complaint is filed against you, whether legitimate or not, your records will be reviewed during the investigatory process. The complaint may later be rendered "dismissed" by the board but other findings of violation discovered during the investigation may be subject to prosecution.

Please do remember, insurance companies, lawyers, managed care organizations and individual patients are the source of most all of the complaints filed with the Board... every such complaint MUST be fully investigated.

Donald H. Miner, DC, Secretary
Chiropractic Physicians' Board of Nevada

2005 CONTINUING EDUCATION COURSES OFFERED IN NEVADA**APPROVED FOR YEAR 2006 LICENSE RENEWAL**

<u>SEMINAR APPROVAL NO.</u>	<u>DATES</u>	<u>SEMINAR TITLE/SPONSOR</u>	<u>LOCATION</u>
NV06-322	11/3	Drug Risk Benefit vs. Alternative Technique NCA	Las Vegas, NV
NV06-339	11/3-5	The Masters Circle SuperConference 2005 Life-West (8 hours)	Las Vegas, NV
NV06-322	11/5	Drug Risk Benefit vs. Alternative Technique NCA	Reno, NV
NV06-335	11/5-6	Graston Sports Program – NYCC	Las Vegas, NV
NV06-273	11/13-14	Advanced Approaches to Today's Sports Care Logan CC	Las Vegas, NV
NV06-060	11/15-16	Certified Addictionologist Program – American College of Addictionology and Compulsive Disorders, Inc. (15 hours)	Las Vegas, NV
NV06-038	11/18-20	Directional Non-Force Technique Life-West (20 hours)	Las Vegas, NV
NV06-350	12/1-4	ProSport Chiropractic 14 th Annual Las Vegas Hands On Workshop – Logan (18 hours)	Las Vegas, NV
NV06-322	12/3	Drug Risk Benefit vs. Alternative Technique NCA	Las Vegas, NV
NV06-110	12/8	Golf Injuries, Basic Training, Modules 1-4 U of Bridgeport	Las Vegas, NV
NV06-161	12/8	Spinal Adjusting, Rehabilitation & Case Management – Logan CC	Las Vegas, NV
NV06-110	12/9	Golf Injuries, Basic Training, Modules 1-4 U of Bridgeport	Las Vegas, NV
NV06-110	12/10	Golf Injuries, Basic Training, Modules 1-4 U of Bridgeport	Las Vegas, NV
NV06-279	12/10	Nutrition, Psych and Imaging Seminar NCA	Las Vegas, NV
NV06-060	12/15-16	Certified Addictionologist Program – American College of Addictionology and Compulsive Disorders, Inc. (15 hours)	Las Vegas, NV
NV06-336	12/16-17	Evaluation & Management of the Patient with Dizziness – NYCC	Lake Tahoe, NV
NV06-306	12/16-18	Nevada – Neurology Diplomate Program, Session 1-6 – NHSU (24 hours)	Las Vegas, NV
NV06-079	12/17-18	Scoliosis Certification Program – NYCC	Lake Tahoe, NV

Note: All Courses are 12 hours unless otherwise indicated

Disposition of Complaints

Complaint 05-1 The complainant stated that he was not timely billed, that he was unaware the DC was not on his insurance plan and that there was a deductible. There was no violation of the laws and regulations and the complaint was dismissed.

Complaint 05-4 The patient who filed this complaint claims he was not informed by the DC that his method of treatment may not help his condition and wishes to be reimbursed. He is also concerned that the DC did not visually review his MRI but only read the report. The DC expressed his willingness to write off the balance owed under certain conditions. The complaint was dismissed.

Complaint 05-10 This complaint alleges that the DC, who had been treating the patient for the past four years with a low force technique, utilized a more forceful technique which exacerbated her condition and "ruined her life." A review of the doctor's records, which contain the patient's informed consent, shows that his notes were adequate and that he performed appropriate testing to justify the technique he used to mobilize her shoulder joint. There is no apparent violation and the complaint was dismissed.

Complaint 05-11 This complaint was filed because the patient feels the doctor did not timely release his medical records and they were incomplete, which is

contrary to the doctor's notes. The doctor's office protocol is to have x-rays copied and paid for before being released. The complaint was dismissed with a letter to be sent to the DC advising that he must abide by patient rights for medical records.

Complaint 05-13 The DC in this complaint refused to release the records because the patient refused to pay for them. The DC was sent a letter informing him that in the interest of patient protection he must release the records. The DC complied and the complaint was dismissed.

Complaint 05-14 The complainant was adjusted by the DC without use of a neurocalometer, myoscan or taking x-rays. Two days later the patient was taken to the hospital with severe neck and arm pain and was diagnosed with a pinched nerve. The patient followed up with an MD where she stated that causation was a coughing spell. Subsequently the patient saw a Gonstead DC who utilized a neurocalometer, myoscan and x-ray and determined that the original DC performed a proper examination. X-rays taken did not show any contraindications to adjust. The complaint was dismissed.

Complaint 05-05 The complainant was treated by a DC in a medical facility that has closed and the patient is unable to retrieve his patient records. The treating DC was contacted and it appears that he has made every effort to locate the patient's records but has been

unsuccessful as the principals of the medical facility cannot be located. The complaint was dismissed.

Complaint 05-19 The complainant had not seen the doctor for a year and he told her he would have to do a reevaluation for a \$30 charge. When she objected, he told her it is required by the government and reiterated by saying, "It's the law." The complaint was dismissed with a warning letter to be sent to the DC about taking care to not make misleading statements to patients.

Complaint 05-22 This complaint was filed by an ex-husband of the DC's ex-wife because he was presented with a receipt from the DC for payment of his share of the co-pay for treatment of their son's skin condition. The complainant denies that the son received the treatment, however, the DC has submitted patient records as evidence of the treatment. This appears to be a domestic dispute and the complaint was dismissed with a warning letter to the DC that due to a discrepancy that was detected in his insurance billing he needs to review his other insurance billings to assure there were no other such billing errors.

A FEW WORDS TO THE WISE:

Patient records must be released upon request regardless of whether the patient owes you money. Collecting for their treatment or for copies of the records is a separate matter.

In a hearing on July 23, 2005 Dr. Nightingale was found guilty of unprofessional conduct under NRS 634.018, subsection 6, for his federal conviction for conspiracy to defraud the government. Dr. Nightingale's license was revoked and a fine of \$10,000 was imposed.

Mark Rubin, DC, License No. B648

On September 10, 2005 the CPBN and Dr. Rubin entered into an Agreed Settlement of Disciplinary Action and Order pursuant to numerous counts of unprofessional conduct as defined in NRS 634.018, subsection 1 and NRS 634.018, subsection 11, for filing of false information regarding the status of child support obligations as required under NRS 634.095 and for failure to make timely reports to the Board pursuant to NAC 634.430, subsection 1(h); and for failure to notify the board in writing of address changes pursuant to NRS 634.129, subsection 1(b) and subsection 2, and NAC 634.380, subsection 1(b).

Dr. Rubin was placed on probation for two years wherein he is to provide quarterly verification of compliance with his child support obligations. He must also take and pass the Nevada Law Test, and reimburse the board for its costs and a pay fine in a combined total of \$13,000.

On July 23, 2005 the CPBN and Dr. Tenney entered into an Agreed Settlement of Disciplinary Action and Order pursuant to charges of unprofessional conduct under NRS 634.018, subsection 11, for failing to timely renew his license as required under NRS 634.130, failing to maintain patient records for five years in accordance with NRS 629.051, and violation of NAC 634.435, subsection 1, for recreating patient's records that were insufficient and were not individualized. Dr. Tenney was placed on probation for three years and he must hire at his own expense a compliance officer approved by the Board, to monitor his practice and make quarterly reports to the Board for the three-year period. Dr. Tenney was also required to pay a \$5,000 fine and to reimburse the Board for its costs in the amount of \$23,881.53.

**IMPORTANT INFORMATION
REGARDING RECORDS RETENTION**

Under NRS 629.051, each provider of health care shall retain the health care records of his patients as part of his regularly maintained records for 5 years after their receipt or production.

How to contact the Board:

**Chiropractic Physicians' Board of Nevada
4600 Kietzke Lane, Suite M-245
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Telephone 775-688-1921

Voice Mail 775-688-1919

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Website chirobd.nv.gov

Executive Director: Cindy Wade

Current Board Members:

**President: Stephanie Youngblood, DC
Las Vegas**

**Vice President: Margaret Colucci, DC
Las Vegas**

**Secretary: Donald Miner, DC
Gardnerville**

**Member: Ian Yamane, DC
Las Vegas**

**Member: Curtis Potts, DC
Reno**

**Consumer Member: David Howard
Reno**